



George Hasselback <george.hasselback@gmail.com>

Re: Camacho v. DPL, necessity of witness transcripts

2 messages

Gregory Baka <gbaka79@yahoo.com>

Thu, Mar 8, 2007 at 5:48 PM

To: George Hasselback <george.hasselback@gmail.com>, "Michael W. Dotts" <michael_dotts@hotmail.com>, "O'Connor, Berman, Dotts & Banes" <attorneys@saipan.com>
Cc: "Robert M. Weinberg" <Rob.Weinberg@yahoo.com>, Gregory Baka <gbaka79@yahoo.com>, "Hon. Matthew T. Gregory" <cnmi.ag@gmail.com>

To be more explicit, pursuant to 9th Cir. R. 10-3.1(d) & (f), we do not consider the testimony of Messrs. Antonio Camacho, Mitch Aaron and Ramon Salas to be necessary to the principal issues identified in our docketing statement.

These issues I raised were "Lack of federal question jurisdiction; order granting Plaintiff's motion in limine excluding evidence."

We can either let the court decide pursuant to 9th Cir. R. 10-3.1(f), or if you are willing to pay for it, we'll happily file an amended designation.

The prevailing party will presumably get costs.

8:00? 8:25? 8:40? Find a flick in no time
with the Yahoo! Search movie showtime shortcut.
<http://tools.search.yahoo.com/shortcuts/#news>

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From: Gregory Baka <gbaka79@yahoo.com>
To: George Hasselback <george.hasselback@gmail.com>, "Michael W. Dotts" <michael_dotts@hotmail.com>, "O'Connor, Berman, Dotts & Banes" <attorneys@saipan.com>
Date: Wed, 7 Mar 2007 23:20:55 -0800 (PST)
Subject: Re: Camacho v. DPL transcript designation and order form
George,

The party ordering the transcripts has to pay for them. If you think additional portions of the record are needed to answer the appeal, you are free to order them. From our perspective, we do not need those parts of the record.

Greg

Food fight? Enjoy some healthy debate
in the Yahoo! Answers Food & Drink Q&A.
<http://answers.yahoo.com/dir/?link=list&sid=396545367>

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From: "George Hasselback" <george.hasselback@gmail.com>
To: gbaka79@yahoo.com
Date: Thu, 8 Mar 2007 16:44:11 +1000
Subject: camacho transcript designation and order form
Greg,

I know that the 9th Circuit's Time Schedule Order came very late and because of that some of the deadlines have become untenable, but I wanted to write and discuss the issue of the transcript of proceedings with you.

According to the Time Schedule Order it seems that only one Transcript Designation and Ordering Form was to be filed with the District Court. It seems the way it is supposed to work is you tell us what you want to order, we tell you what we think we need to order (if it differs from your list) and then you file a single Transcript Designation and Ordering Form.

Since the first notice of what you thought was sufficient, transcript-wise, was the Ordering Form that you filed, we did not have an opportunity to let you know what we think needs to be ordered as well. Specifically, we think that given the issues on appeal, the transcripts of the testimony of Antonio Camacho, Mitch Aaron and Ramon Salas will be necessary. Since these portions were not included on the Ordering Form filed with the Court, I would suggest that the easiest way for this to be resolved is for you to file an amended Ordering Form to include the transcripts of these witnesses' testimony.

Please let me know if you agree that this is the way that this should be handled. If you have any questions, please give me or Mike Dotts a call and we can discuss this further.

Thanks,
George.

--

George LLOYD Hasselback, Esq.
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Thank You

George Hasselback <george.hasselback@gmail.com>

Thu, Mar 8, 2007 at 6:00 PM

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Cc: "Michael W. Dotts" <michael_dotts@hotmail.com>, "O'Connor, Berman, Dotts & Banes" <attorneys@saipan.com>, "Robert M. Weinberg" <Rob.Weinberg@yahoo.com>, "Hon. Matthew T. Gregory" <cnmi.ag@gmail.com>

Greg,

Thank you for your willingness to try and work this out. However, I believe that we need to stick to the procedure as outlined in the 9th Circuit's Rules. The steps outlined therein are:

- 1) the appellant notifies the appellee as to what issues are to be decided upon appeal and what portions of the transcript the appellant intends to order (Rule 10-3.1(a))
- 2) the appellee then notifies the appellant what additional portions of the transcript it believes are necessary for the appeal (Rule 10-3.1(b))
- 3) if there is a disagreement, the appellant certifies to the court what portions of the appellee's suggested transcripts are unnecessary and why (Rule 10-3.1(f))
- 4) if that certification is made, the court can determine who pays for what

Since we never got past step 1, the rest of the process has been derailed. While I understand that you may not feel that the portions of the transcript that my client desires be made part of the record are necessary, this does not comport with the rule. Perhaps we should back up and have your client file a certification with the Court regarding the additional portions of the transcript my client desires be made part of the record.

The rules clearly don't contemplate each party filing their own Ordering Form and I do not want to depart from the established procedure this early on. I envision several problems that could arise if that happens.

Therefore, I suggest that you file an amended Ordering Form and your Rule 10-3.1(f) certification and let the Court figure out who will pay for what portions of the transcript.

Thanks,
George.

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[Quoted text hidden]

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